**REMARKS**

The Official Action of July 17, 2003, and the prior art cited and applied therein have been carefully reviewed. The claims in the application remain as claims 1-28, and these claims define patentable subject matter warranting their allowance. Accordingly, the applicants respectfully request favorable reconsideration and allowance.

Claims 9 and 17 have not been rejected on the basis of any prior art. Accordingly, applicants understand that these claims are deemed by the PTO to define novel and unobvious subject matter under §§102 and 103. These claims have now been rewritten in independent form, and should be in condition for formal allowance consistent with what is indicated in the Official Action.

Claims 1-28 have been rejected under the second paragraph of §112. This rejection is respectfully traversed insofar as it is understood.

Applicants do not understand why all of claims 1-28 have been rejected when only claims 2 and 20 have been specifically addressed. It would seem that claims 1, 3-9, 13-15, 18, 19 and 21-28 should not have been included in the rejection, insofar as the rejection is explained as relating only to claims 2 and 20.

Moreover, as regards claims 2 and 20, applicants believe that these claims (as well as all of the claims) as originally drafted, considered in light of applicants' specification (consistent with the law), would not have been confusing to those skilled in the art, and therefore the claims in their previous form are fully in accordance with §112. At **worst**, claims 2 and 20 in their previous form might be considered objectionable, but **only** as to form.

Nevertheless, in deference to the examiner's views and to minimize needless argument, some cosmetic amendments have been introduced into claims 2 and 20[1]. The amendments are of a formal nature only, i.e. made to place the claims in better form consistent with the examiner's understanding of what is desirable under U.S. practice. The amendments in question and other amendments as well are not "narrowing" amendments because the scope of the claims has not been reduced in these regards. No limitations in these regards have been added, and none are intended; the meaning of the claims remains the same.

Withdrawal of the rejection is in order and is respectfully requested.

[1] Applicants have also made some other cosmetic amendments in other claims to place these claims in better form consistent with U.S. practice.

Claims 1-8, 10-16 and 18-28 have been rejected under §103 as obvious from Dosch et al USP 5,113,854 (Dosch) in view of Birenheide et al USP 5,413,097 (Birenheide). This rejection is respectfully traversed.

In addition to non-narrowing amendments to improve the form of claim 1, such main claim 1 has also been amended to include additional features so as to better define the present invention. Thus, an object of the present invention is to provide a hood assembly which combines several advantages, among which one can mention easy carrying or storing, easy usage, one-size-fits-all, automatic activation, easy donning, etc. One of the most important advantages of the present invention is the possibility to deploy the hood assembly into an operative state and to activate it automatically.

In the operative state the protection is provided because positive air pressure is created in the hood assembly. This positive air pressure prevents entry of outside gases to the hood. It should be pointed out that this positive pressure is created in the hood even before the hood is donned. This effect is achieved by virtue of providing the assembly with an activation mechanism which automatically and immediately energizes the blower of the gas treatment unit as soon as the user opens the container in which the hood

assembly is stored. Filtering the outside air and supplying it under positive pressure to the hood reliably protects the user. It should be borne in mind that purging of filtered air and building of positive pressure in the hood begins as soon as the user opens the container and even before withdrawal of the hood.

Dosch discloses a quick-donning protective hood assembly which is intended for use by aircraft passengers. The assembly is designed and constructed to supply oxygen to a hood **12** worn by a user. The source of oxygen is an oxygen generator **22**, which is stored together with the hood in a cylindrical canister **58** closed by a cover **60**. To use the assembly it is necessary to first remove the cover from the canister. This will expose one end of a neck hoop connected to the generator and then, by engaging this hoop, the user can withdraw the hood. As soon as the unit is withdrawn from the canister, a firing lanyard **62** automatically actuates the oxygen generator. The chemical production of oxygen is initiated only when the unit is removed from the storage container.

In other words, the hood assembly of Dosch is activated not automatically and immediately before donning (as in the present invention), but only after withdrawal of the assembly from the container and after donning. It is

explicitly stated in Dosch that the generator is "...designed to produce an initial high oxygen flow rate immediately **after** donning..." (column 4, lines 38-41; emphasis added).

Furthermore, protection in the present invention is achieved by virtue of filtering the outside air and supplying filtered air under positive pressure to the hood. A blower builds the positive pressure. In Dosch, protection is achieved by supplying oxygen (not filtered air) through a ventri ejector **40** or pump, which causes gas from the hood to be recirculated through a scrubber canister **20** for the purpose of removing the wearer's exhaled carbon dioxide. It should be borne in mind that oxygen flows at a set flow rate to the scrubber canister, which is intentionally provided with a capability to absorb many toxic gases "...that may be introduced into the hood during donning." (column 3, lines 39-40). This situation is avoided in the present invention.

Thus, Dosch does not provide the structure necessary to achieve the above-mentioned object of the present invention because the hood assembly of Dosch is not designed or constructed in such a way as to be immediately operable before the hood is fully extracted from the storage container. The person of ordinary skill in the art, looking at Dosch, would not have been able to come up with this feature of the present invention.

Birenheide has not been cited to make up for such a deficiency of Dosch, and indeed does not do so. Therefore, even if the proposed combination were obvious to produce a reconstructed Dosch based on Birenheide, the subject matter of claim 1 would not be reached or achieved.

Moreover, applicants respectfully submit that the proposed combination to replace the oxygen generator of Dosch with the blower of Birenheide would not have been obvious for the following reasons:

a) Neither Dosch nor Birenheide contain any direct teaching, suggestion or incentive which would support the alleged combination or its desirability.

b) There is absolutely no motivation for one skilled in the art to replace the oxygen generator of Dosch with the blower of Birenheide, since the object of Dosch is to protect an aircraft passenger while providing oxygen in the event of loss of cabin pressure. This is achieved by virtue of a self-contained, closed circuit breathing assembly. Birenheide describes a fan-supported gas mask, which is not a closed circuit assembly. The mask is provided with a fan drive **40**, which delivers the ambient air in the direction of gas hose **5** into a breathing mask. Fig. 2 of Birenheide shows a filter connection **10** with an inlet opening **41** for the filtered respiration gas to be delivered from the environment. Thus,

the mask of Birenheide communicates with the outside atmosphere and therefore is not intended to and will not be capable of supplying oxygen in a closed circuit.

c) The references are not properly combinable or modifiable because the intended function of Dosch would be destroyed by such a combination. Replacement of oxygen generator by a blower would prevent the assembly of Dosch from beinga self-contained, closed circuit and would not allow supply of oxygen to aircraft passengers.

To summarize, the proposed combination would not have been obvious for the reasons indicated immediately above. Furthermore, even if the combination were obvious, contrary to applicants' position, the resultant reconstruction achieved by such a combination would not reach applicants' claim 1, let alone the subsidiary claims, because all the features called for in claim 1 would not be present in the combined reconstruction, perhaps most importantly the possibility of deployment of the assembly to become activated immediately and automatically opening the container as called for in claim 1.

As regards claims 2-8, 10-16 and 18-28, they all depend ultimately from claim 1 and therefore incorporate the features thereof, and in addition add additional features in the dependent portions thereof which are not necessarily known or obvious from the prior art.

The prior art documents of record and not applied have been noted, along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their application against any of applicant's claims.

Favorable reconsideration and allowance are earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicants

By _____
Sheridan Neimark
Registration No. 20,520

SN:jaa
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\C\cohn\Alon2\PTO\amd 17oc03.doc